

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-6
v.)	
)	MATTICE / LEE
STEVEN EBERHARDT)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the four-count Indictment; (2) accept Defendant's plea of guilty to Count One; (3) adjudicate Defendant guilty of the charges in Count One of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 28]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 28] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the charges in Count One is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges in Count One;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing;
and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is

scheduled to take place on **Monday, August 1, 2011 at 9:00 a.m.** before the
Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/*Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE